

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**SEPTEMBER 22, 2015**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, September 22, 2015.

Commissioner Willie German, Jr., opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Rinsema-Sybenga, Turnquist, Johnson, Hood, and German, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

#### **2015-67 CONSENT AGENDA:**

##### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve minutes of the September 8, 2015 City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Request to Fly the Breast Cancer Ribbon Flag** City Clerk

SUMMARY OF REQUEST: As they have done in the past, Tempting Tables is requesting use of City Flag Poles at the Farmer's Market, Hackley Park, City Hall, on Shoreline Drive, and at Root Park to fly a Breast Cancer Ribbon Flag during the week of October 11, 2015 in conjunction with the Tempting Tables fundraiser event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

##### **D. Transportation Improvements Program Submittal for 2018-2020 Projects** Engineering

SUMMARY OF REQUEST: Authorize staff to submit the following projects to the West Michigan Shoreline Regional Development Commission for funding consideration and inclusion in the Fiscal Year 2018 – 2020 Transportation Improvement Program (TIP).

- 1- For 2018: Black Creek Road from Sherman to Latimer & Beach Street from Lakeshore to Oval
- 2- For 2019: Lakeshore Drive from Beach to Lincoln
- 3- For 2020: Lakeshore Drive from Lincoln to Laketon

Projects submitted will be considered for Federal and State transportation funding. Adoption of the resolution is required as part of the submittal to commit the local match should funds become available.

FINANCIAL IMPCAT: None at this time; however, a local match will be required should we receive a grant for all/any projects.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the project submittal and resolution.

**E. Request to Distribute Proposed Amendments to Master Land Use Plan to Regional Entities** Planning & Economic Development

SUMMARY OF REQUEST: Staff has initiated a request to amend the City of Muskegon Master Land Use Plan to remove all references to Fisherman's Landing. This will include amendments to the 1997 Master Land Use Plan and the 2008 Downtown & Lakeshore Redevelopment Plan. The Planning Commission recommended approval of these amendments and now the City Commission must approve the distribution of the amended plan to regional entities. The regional entities will have 42 days to review and make comments. Then, a public hearing must be held at the Planning Commission meeting and they must approve the amendments by a 2/3rds vote.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the proposed amendments.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the proposed amendments at their September 10, 2015 meeting, with one member absent.

**F. Vacant Building Registration Ordinance Amendment** Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Code of Ordinances, Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of clarifying that the vacant building registration fees are a lien

against the property. The change is to section 10-107(b)(7) *Delinquent registration fees as a lien*.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose stated.

**G. Certificate of Compliance for Rental Dwellings** Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Subdivision III. Rental Property Section 10-352. Certificate of Compliance for rental dwellings in order to clarify the following:

**Section 10-352(b)** was amended to clarify that a certificate of compliance may be suspended if any fees and debts to the city are incurred and not paid in full after the initial issuance of the certificate.

**Section 10-352(b)(5)** was amended to clarify that the fees, fines, penalties or debts that must be paid to maintain a valid certificate of compliance may be based on any provision within all of Chapter 10, not only under the property maintenance code.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 10-352(b) and Section 10-352 (b)(5), for the purpose stated.

**H. Moratorium on fees for Vacant Buildings** Planning & Economic Development

SUMMARY OF REQUEST: Request to allow the moratorium to continue with the guidelines that are in place so staff would not need to bring this before the City Commission for approval each year. Should the need arise to change this in the future; this will be brought back to the City Commission.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval to continue the fee moratorium for vacant building invoice fees for 2016 and into the future.

**Motion by Commissioner Johnson, second by Vice Mayor Spataro, to accept the Consent Agenda as read with the exception of item C.**

**ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga.**

**Nays: None**

**MOTION PASSES**

**2015-68 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**C. Adopt a resolution to set October 13, 2015 Public Hearing Date for Proposed Special Assessment (Street Lights)** City Treasurer

SUMMARY OF REQUEST: To approve and adopt a resolution to set a public hearing date of Tuesday, October 13, 2015 regarding creation of a city-wide special assessment for street lights.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval recommended.

**Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to approve and adopt a resolution to set a public hearing date of Tuesday, October 13, 2015 regarding creation of a city-wide special assessment for street lights.**

**ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist.**

**Nays: None**

**MOTION PASSES**

**2015-69 NEW BUSINESS:**

**A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following**

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the following structures are unsafe, substandard, public nuisances, and that they be demolished within thirty days or infraction tickets may be issued. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute contracts for demolition with the lowest possible responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structures.

1506 Park Street – garage only

1280 Sanford Street

FINANCIAL IMPACT: CDBG or General Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

**Motion by Vice Mayor Spataro, second by Commissioner Hood to concur with the Housing Board of Appeals decision to demolish 1506 Park Street, garage only, and 1280 Sanford Street.**

**ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson.**

**Nays: None**

**MOTION PASSES**

**B. Amendment to the Zoning Ordinance** Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend section 400 of the zoning ordinance to allow multiple family dwellings under certain circumstances in R-1, Single Family Residential Districts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the ordinance amendment by a 7-1 vote, with one member absent.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve the zoning ordinance amendment.**

**ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron.**

**Nays: None**

**MOTION PASSES**

**C. Allen Edwin Homes – Contract Negotiations** Planning & Economic Development

SUMMARY OF REQUEST: Staff has been working with Allen Edwin Homes to develop plans for 9 homes on property bounded by Houston, Monroe, Fourth and Fifth. Meanwhile, City Commission authorized staff to proceed with the acquisition of this property from MSI at the August 25, 2015 Commission meeting. As staff is prepared to implement plans for the new homes, it is necessary to enter into a formal contract with Allen Edwin Homes for the home construction.

FINANCIAL IMPACT: This will be dependent on the actual terms of the Contract.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes, with final terms and execution to be determined by staff.

**Motion by Vice Mayor Spataro, second by Commissioner German to authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes, with final terms and execution to be determined by staff.**

**Motion by Commissioner Johnson, second by Commissioner Hood to amend original motion to authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes with final terms to be approved by the City Commission and signed by the Mayor and City Clerk with execution to be determined by staff.**

**ROLL VOTE ON AMENDMENT: Ayes: German, Turnquist, Johnson, and Hood.**

**Nays: Rinsema-Sybenga, Gawron, and Spataro.**

**MOTION PASSES**

**ROLL VOTE ON ORIGINAL MOTION (with amendment): Ayes: Spataro, German, Turnquist, Johnson, Gawron, and Hood.**

**Nays: Rinsema-Sybenga**

**MOTION PASSES**

**D. PILOT-General Capital Acquisitions, LLC** – Planning and Economic Development

SUMMARY OF REQUEST: Josh Hafron, General Capital Acquisitions, LLC presented plans to City Commission at the September 8 meeting for an affordable senior housing development at 275 W. Clay. The City Commission was generally favorable with his plans. Mr. Hafron is now requesting a Payment in Lieu of Taxes (PILOT) for the project. The development, Berkshire Housing Apartments, will include 47 units (60% Area Median Income), 26 units (40% Area Median Income), and 6 units (30% Area Median Income). Berkshire Housing Apartments will contain both 1- and 2- bedroom units, common area, a community room, exercise room, library/business center and outdoor courtyard and terrace areas. In addition, Mr. Hafron is in discussions with Tanglewood, to include a satellite office on site that would provide services for Berkshire residents and the larger community. It will also include 2,200 square feet for commercial space on the first floor of the building (an increase from the original amount of 1,800 square feet presented to Commission at the last meeting). The minimum service charge of 4% will be imposed, as well as a service fee to the City of 2%. If approved, this will be the first building downtown to comply with the new Form Base Code standards.

FINANCIAL IMPACT: Although the PILOT for the project will be less than the taxes captured for a similar market-rate project, the situation with this particular property is that the contribution towards the City will be greater to the City with the development under a PILOT than it is a vacant lot. In addition, taxes would apply to the commercial square footage within the building.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATIONS: To approve the "Contract for Housing Exemption" and the "Development Agreement" and authorize the Mayor and Clerk to sign.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve the Contract for Housing Exemption and the Development Agreement and authorize the Mayor and Clerk to sign.**

**ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, Gawron, Hood, Spataro, and German.**

**Nays: Turnquist**

**ANY OTHER BUSINESS:** Vice Mayor Spataro introduced a resident from West Forest who voiced concerns about a neighbor fixing and selling cars from his residence. Commissioner Turnquist asked about two homes that are boarded up across the street from Muskegon High School. Chief Lewis indicated that Inspection Notices had been sent to the owners.

**PUBLIC PARTICIPATION:** Public Comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 7:28 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC  
City Clerk